IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.20790 of 1999

Between:

Mulagapaka Ramana , Son of Appalaswamy, F.P.Shop Dealder,

S.Kota Village and Mandal, Vizianagaram District.

..... PETITIONER

AND

1. The Joint Collector and Additional District Magistrate,

Vizianagaram 535003.
2. The Revenue Divisional Officer, Vizianagaram-535003.
3. The Mandal Revenue Officer, S.Kota, Vizianagaram District.
4. Animi Reddy Ramanamma D/o. Ammathalli, Srinivasa Colony,

S.Kota Village and Mandal, Vizianagaram District- 535145. (Dismissedd for default as per Court Order, dated 13.03.03 as against R4)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order, or direction more particularly one in the nature of Writ of Mandamus declaring:

i. That executive instructions, if any, issued by the Govt. of Andhra Pradesh contrary to the guidelines issued in G.O.Ms.No.198, Food, Civil Supplies and Consumer Affairs (C.S.IV) department dt.5-2-96 in its annexure, prescribing the minimum general educational qualification as a pass in 10th class (SSC) for

the appointment as a Fair Price Shop Dealer, is highly arbitrary, improper, discriminatory and contrary to law, beyond the competency of the Government, and also in view of limited scope of CL.3 of A.P. Scheduled Commodities (Regulation of Distribution by Card System) order 1973;

ii. That any executive instructions unless issued in exercise of the power conferred under Cl.3 of the said order 1973, is *ultra vires* the power of the Government and any such instructions are unenforceable under law;

iii. That when a vacancy to be filled up on the basis of Physical disability of Physically Handicapped persons, the comparative qualifications *inter se* between the Handicapped persons, need be primarily determined, on the basis of extent of the percentage of Physical Disability;

iv. That the Revisional power vested under clause 18 (1) of the above said order 1973 in the "District Collector" even against an Appellate order passed by a Joint Collector Under Clause 17(1)(i) of the Order, is a colourable, arbitrary and a preventive provision, amounting to a mockery of justice opposing to the principles of natural justice, and thus it is not valid under law.

And consequently, to declare that the cancellation of the appointment of the Writ Petitioner as F.P. Shop Dealer of Srinivasa Colony of S.Kota Village by the Joint Collector of Vizianagaram in the Appeal in his proceedings in R.C.No.4882/98 dt.17.9.99, is not just valid and proper;

that the petitioner is entitled to continue as F.P. Shop dealer as per his authorisation till 31-3-2000.

Counsel for the Petitioner: MR.V.NARASINGA RAO, representing MR.D.RAMALINGA SWAMY

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: NONE APPEARED (Dismissed for default as per Court order dated 13.3.2003)

The Court made the following:

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ORDER:

Sri V.Narasinga Rao, Advocate representing Sri D.Ramalinga Swamy, learned Counsel for the petitioner submits that the writ petition has become infructuous.

The writ petition is, accordingly, dismissed as infructuous.

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(V.V.S.RAO,J)

07.06.2005

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To

1. The Joint Collector and Additional District Magistrate,

Vizianagaram 535003.
2. The Revenue Divisional Officer, Vizianagaram-535003.
3. The Mandal Revenue Officer, S.Kota, Vizianagaram District.
4. Two CCs to the Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad.

5. Two C.D.Copies.